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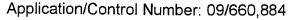


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,884	09/12/2000	Takashi Akahori	08038.0038	7052
22852	7590 09/18/2002			
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP			EXAMINER	
1300 I STREE	ET, NW	WILLIAMS, ALEXANDER O		
WASHINGTO	DN, DC 20006		ART UNIT	PAPER NUMBER
			2826 DATE MAILED: 09/18/2002	13

Please find below and/or attached an Office communication concerning this application or proceeding.

	·	Application No.	Applicant(s)
Office Action Summary		09/660,884	AKAHORI ET AL.
		Examiner	Art Unit
		Alexander O Williams	2826
Period fo	The MAILING DATE of this communication a or Reply	ppears on the cover sheet wi	th the correspondence address
- Exte after - If the - If silu - Failu - Any i earne	ORTENED STATUTORY PERIOD FOR REP MAILING DATE OF THIS COMMUNICATION nsions of time may be available under the provisions of 37 CFR is SIX (6) MONTHS from the mailing date of this communication. It period for reply specified above is less than thirty (30) days, a reperiod for reply is specified above, the maximum statutory period to reply within the set or extended period for reply will, by statute to reply within the set or extended period for reply will, by statute the provided by the Office later than three months after the mailed patent term adjustment. See 37 CFR 1.704(b).	I. 1.136(a). In no event, however, may a resply within the statutory minimum of thirt d will apply and will expire SIX (6) MON the cause the application to become AB.	eply be timely filed y (30) days will be considered timely. THS from the mailing date of this communication.
Status			
1)🛛	Responsive to communication(s) filed on 20	<u>June 2002</u> .	
2a)⊠	This action is FINAL . 2b) 7	his action is non-final.	
3) 🗌 Dispositi	Since this application is in condition for allow closed in accordance with the practice unde on of Claims	vance except for formal mat r <i>Ex parte Quayle</i> , 1935 C.[ters, prosecution as to the merits is 0. 11, 453 O.G. 213.
4)🖂	Claim(s) 3-10 is/are pending in the application	on.	
	4a) Of the above claim(s) is/are withdra	awn from consideration.	
	Claim(s) is/are allowed.		,
6)⊠	Claim(s) <u>3-10</u> is/are rejected.		
7)	Claim(s) is/are objected to.		
8)∏ Applicatio	Claim(s) are subject to restriction and/ on Papers	or election requirement.	
9) 🔲 7	he specification is objected to by the Examin	er.	
10)[] ד	he drawing(s) filed on is/are: a)□ acce	epted or b) objected to by th	e Examiner.
	Applicant may not request that any objection to the	ne drawing(s) be held in abeyar	nce. See 37 CFR 1.85(a).
11) 🔲 T	he proposed drawing correction filed on	_ is: a)□ approved b)□ dis	sapproved by the Examiner.
	If approved, corrected drawings are required in re	eply to this Office action.	
12)∐ T	he oath or declaration is objected to by the Ex	kaminer.	
Priority u	nder 35 U.S.C. §§ 119 and 120		
13) 🛛 🛚	Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C. §	119(a)-(d) or (f).
a)[∑	☑All b) ☐ Some * c) ☐ None of:		
•	1.igtimes Certified copies of the priority document	ts have been received.	
2	2. Certified copies of the priority document	ts have been received in Ap	plication No
	B. Copies of the certified copies of the prio application from the International Buse the attached detailed Office action for a list	reau (PCT Rule 17 2(a))	-
	knowledgment is made of a claim for domesti		
a)	☐ The translation of the foreign language procknowledgment is made of a claim for domest	ovisional application has bee	n received.
Attachment(s		, , , 20 0.0.0. 3	g willow/ ♥/ 14=1,
2) D Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) Ition Disclosure Statement(s) (PTO-1449) Paper No(s) _	5) Notice of Infe	mmary (PTO-413) Paper No(s) ormal Patent Application (PTO-152)
Patent and Trad O-326 (Rev.	04.04)	tion Summary	Part of Paper No. 13



Serial Number: 09/660884 Attorney's Docket #: 08038.0025

Filing Date: 9/12/00; claimed foreign priority to 5/7/98

Applicant: Akahori et al.

Examiner: Alexander Williams

Applicant's Amendment in Paper # 13, filed 6.20/02 has been acknowledged. Claims 1 and 2 have been canceled.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to



consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 to 5 and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yan et al. (U.S. Patent # 6,296,780 B1).

For example, in claim 3, Yan et al. (figures 1 to 5) specifically figure 1 show a semiconductor device comprising: a substrate **100**; an insulating film **120** of a fluorine-containing carbon film formed on said substrate, wherein the surface of said insulating film is irradiated with hydrogen plasma (see column 4, lines 5-35); a wiring layer **117** of copper formed on said insulating film; and an adhesion layer **118** formed between said insulating film and said wiring layer, for preventing said wiring layer from being peeled off from said insulating film, wherein said adhesion layer includes a metal layer of a metal, and a layer of a compound containing carbon and said metal (see column 5, lines 25-32).

In claim 4, Yan et al.'s metal layer if formed of an element from titanium.

Claims 6 to 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yan et al. (U.S. Patent # 6,296,780 B1).

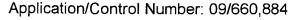
Note that the specification contains no disclosure of either the critical nature of the claimed dimensions or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the Applicant must show that the chosen dimensions are critical. <u>In re Woodruff</u>, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Response

Applicant's arguments filed 6/20/02 have been fully considered, but are moot in view of the new grounds of rejections detailed above.

The insertion of Applicant's additional claimed language, for example, "in claim 1" cause for further search and consideration to make this action final.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).



A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

The listed references are cited as of interest to this application, but not applied at this time.

Field of Search	Date
U.S. Class and subclass: 257/762,758,700,701,774,751,759,760,763,764,767,773	1/12/02 9/16/02
Other Documentation: foreign patents and literature in 257/762,758,700,701,774,751,759,760,763,764,767,773	1/12/02 9/16/02
Electronic data base(s): U.S. Patents EAST	1/12/02 9/16/02

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to Technology Center 2800 via the Technology Center 2800 Fax center located in Crystal Plaza 4-5B15. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center 2800 Fax Center number is (703) 308-7722 or 24. Only Papers related to Technology Center 2800 APPLICATIONS SHOULD BE FAXED to the GROUP 2800 FAX CENTER.



Any inquiry concerning this communication or any earlier communication from the examiner should be directed to *Examiner Alexander Williams* whose telephone number is **(703)** 308-4863.

Any inquiry of a general nature or relating to the status of this application should be directed to the *Technology Center 2800 receptionist* whose telephone number is (703) 308-0956.

9/16/02

Primary Examiner Alexander O. Williams